

Minutes of the Meeting of the Town Board of the Town of Durham held October 19, 2004 at the Town Building in Oak Hill, N.Y.

Present: Gary Hulbert – Supervisor
 Robert Elpel - Councilman
 Jodi Wood- Councilwoman
 Linda Sutton – Councilwoman

Absent: William Carr – Councilman

Recording Secretary: Chris Kohrs - Deputy Town Clerk
 Others Present: Wesley Moore – Highway Superintendent
 Tal Rappleyea – Attorney

The Supervisor called the meeting to order with the Pledge to the Flag at 7:33 PM. Twenty people were present.

Supervisor Hulbert reported that the justice court had applied for a grant for new table and chairs and misc. The grant was not approved.

Wesley Moore read the Highway Superintendents Report for September. They hauled in some Item 4 and Blacktop to do some minor repairs. Carver delivered 250 ton of riprap and the men hauled 646 yards of bank gravel from Molters. They recently had the banks on Gulf School House Road and Old Tyler Road give way from all the rain. They repaired them with the gravel and riprap. The dirt roads have been prepared for winter. They had 468 tons of road salt delivered from American Rock Salt and the men hauled in 1720 tons of snow sand from Carver and 125 tons from Callanan. The price of salt has gone up about \$3 a ton. The cost of filling the building this year was \$24,500, last year it was approximately \$19,000. The price of diesel fuel has more than doubled.

Al Schmidt reported that Fred Heller will be retiring as of December 31, 2004 and Al expressed Fred's thanks for all the cooperation over the years. Therefore, Al said his budget could be reduced by \$4,000 plus medical. This month they issued three COs, six CCs and one ticket. Supervisor Hulbert stated that Mr. Heller would be missed.

The judges' report was filed.

Mr. Sutton read the police report.

Tal Rappleyea, Attorney, reported the Cimino Trailer Park filed an appeal. The town has 62 days to respond. Tal will report on it at the next workshop. The basic issue is that Mr. Cimino claims he is grandfathered and therefore, he does not have to comply with the town's laws and regulations. Tal's opinion along with the building inspector is that it the trailer park is not grandfathered.

The Dog Report was read.

Supervisor Hulbert read the Task Force Report. They meet on September 29 and discussed the decorations for Rt. 145 in East Durham. Corn stalks were distributed and the Durham Elementary after School Program will be making Halloween dummies for display. The committee will pick a winner from the displays. The next meeting is scheduled for October 25.

Supervisor Hulbert read the report for the Historic Preservation Commission. They met on October 9, but there was not any new business to discuss.

New Business:

Mr. Schmidt has sent Mr. Fabbri notification of the violation of the unsafe building in Oak Hill. Al and Fred determined that the house and garage are considered unsafe. He asked that the board vote to demolish both. He would resubmit for bids for demolition. Mr. Rudy Fabbri wants it demolished. Mrs. Sutton asked what about the other brother. Rudy is listed on the tax rolls. Ms. Wood wondered why he didn't pay someone to demolish. Mr. Schmidt believes the owner will pay for the demolition. Attorney Tal advised that an engineer should look at it first. There was further discussion on the engineer costs. Mr. Nahas asked what is the status for a court appointed administrator for the property. Tal spoke with different attorneys and they could make the application on behalf of the town to have someone appointed as the administrator of the estate. Their fees would come out of the estate themselves. They also agreed they could get an order from the court, based on the extensive delays, quickly. Mr. Nahas said there are still two interested parties. Tal recommends John Winans to complete the application and ask the court to appoint another attorney as administrator of the estate. The alternative is to proceed with the demolition. The administrator stands in the shoes of the owner. Ms. Wood asked if the property could hold a new septic system. Al said he thought it could hold a peat system; however, Greene County Board of Health has not approved this system in the Town of Durham. Possibly, the septic that is there may work. The board voted 3 to 1 to proceed with the administrator. **Mr. Elpel made a motion and Mrs. Sutton seconded it to proceed with the administrator. The motion carried.** Tal will proceed.

Mr. Elpel made a motion which Mrs. Sutton seconded to accept the minutes of September 7 and September 21. All were in favor.

Mr. Schmidt advised that he will put up additional signs and fencing around the Fabbri buildings.

There was discussion on the code enforcement department. Mr. Hulbert said most towns have one position. Mr. Hulbert recommended to the board to consolidate Mr. Schmidt's department into a code enforcement office and down size the employees from three to one. Lois Rockefeller has been doing the paperwork for the department without pay. Mr. Hulbert asked if Al could do his own paperwork. He would have to brush up on the program. Lois works 2 hours a day, 4 days a week. Al would like Lois to stay for

at least another year. Mr. Hulbert recommended that the clerk be paid hourly. Mr. Hulbert said that all towns have now done away with building inspectors, just using a code enforcement department. Mr. Karkheck commented that he calls on offices in four counties and most of them have a building inspector as well as a code enforcement officer in addition to clerical support. He believes that the Town of Durham's building department is the best that it has been in years and wondered why the board would want to change things. It was pointed out that time spent in the office would mean less time spent in the field doing inspections and code enforcing. After additional discussion the board decided to keep the clerical position. Al stated that he would be willing to be building inspector as well as code enforcement officer for 2005 at the proposed rate of \$10,900.

Mr. Hulbert asked that the library committee submit a detailed expense report to the town. Ms. Wood will speak to Mr. Cullie.

Mr. Hulbert asked the board for their thoughts on increasing the benefits cap from \$3,000 to \$5,000, due to the rising cost of insurance. Currently this change would only effect one employee. After some discussion, the board agreed to raise the cap to \$5,000 for all new employees and current employees would be grandfathered. **Mrs. Sutton made the motion seconded by Ms. Wood. Three were in favor one opposed, the motion carried.**

Mr. Hulbert commented on the pending Cimino court case. From what he has reviewed, he does not believe that the trailer park is grandfathered. The park does not comply with the set back requirements. He asked the board to review the information provided to discuss at the next meeting.

Mrs. Sutton made the motion seconded by Ms. Wood to approve the following transfers:

FROM:	A1990.400	\$	64.32
	Contingent		
TO:	A1110.400	\$	64.32
	Court, Contractual		
FROM:		\$	5,100.00
	Hwy Surplus		
TO:	DA51110.400	\$	5,100.00
	Road Repairs		
FROM:	DA5140.150	\$	185.00
	Brush, Per Ser		
TO:	DA5140.400	\$	185.00
	Brush, Contractual		

Abstract #419, consisting of Vouchers #816 through #881 for \$58,737.76 was reviewed

and approved for payment. The total was broken down as follows:

General Funds	\$ 18,901.81
Highway Funds	\$ 39,294.37
Street Lighting	\$ 538.58

The board discussed scheduling a tabletop discussion to review the SOP for disaster preparedness and the Bocklett Dam event. No date was set.

Ms. Wood made a motion seconded by Mrs. Sutton to adjourn at 8:55 p.m.

Minutes approved:

Chris Kohrs, Deputy Town Clerk